



IDAHO STATE BOARD OF MEDICINE

THE REPORT

VOLUME 2009-ISSUE 4 FALL 2009

You Know Your Medicine, But Do You Know Your Boundaries?

By Laura McGeorge, MD, Idaho State Board of Medicine

As a physician, your patient grants you an enormous amount of trust and power. Therefore, professional boundaries are mandatory. Boundaries are defined as "the parameters that describe the limits of a relationship in which a patient entrusts his or her welfare to the physician." Although many boundary violations are illegal, some are not. By definition, all are unethical.

The most egregious boundary offense is sexual. In a 1992 survey (not in Idaho), 9% of physicians admitted to having a sexual relationship with a patient. Let's hope that today's findings would be much lower. Based on my experience on the Board of Medicine, the current percentage is not even close to zero. A sexual boundary violation can be sexual impropriety or a sexual violation. **Sexual impropriety** consists of behaviors, gestures, or expressions that may be sexual. The AMA has stated: "If a physician has reason to believe that non-sexual contact with a patient may be perceived as or may lead to sexual contact, then he or she should avoid the non-sexual contact." A **sexual violation** is any physical contact between a physician and patient that may be reasonably interpreted as sexual. It is also unethical to have a sexual or romantic relationship with a third party who "plays an integral role in the patient-physician relationship." This could include a parent of, adult child of, or guardian of that patient. Regarding former patients, per Idaho rule: *A former patient includes a patient for whom the physician has provided medical services or prescriptions within the last twelve (12) months. (3-19-99) iv. Sexual or romantic relationships with former patients beyond that period of time may also be a violation if the physician uses or exploits the trust, knowledge, emotions or influence derived from the prior professional relationship with the patient. (3-19-99).* This unlimited time frame could likely pertain to any former patient of a psychiatrist or other doctor who has provided counseling or psychiatric care to that patient.

Non-sexual boundary violations include such situations as entering into business relationships and receiving large gifts. One easy guideline for gifts is that if you are not comfortable disclosing it, the gift is probably too great or is inappropriate. Homemade cookies are okay; a trip to Vegas is not. Violations can also include prescribing for family, employees, and friends, without a physician-patient relationship and without proper chart documentation. Also, prescribing the wrong *sig* or wrong name in order to allow the patient to use insurance fraudulently is unethical and illegal. Don't be a "benevolent prescriber." Times are tough for patients, but don't put your license on the line.

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NOTICE This newsletter is the only information newsletter published by the Idaho Board of Medicine and serves as the Board's notification of rule changes, policy information, and discipline information provided to all licensees of the Idaho Board of Medicine.

You Know Your Medicine, But Do You Know Your Boundaries? (continued)

Over the years, the Board has seen many boundary violations. Some of these are committed by doctors with co-morbidity: mood disorders, substance abuse, or paraphilia. Sometimes, these are just plain boundary violations. There have been cases of sexual violations: doctors sleeping with patients (more likely to be "caught" when the patient is married!). There have been cases of sexual impropriety: dating patients and writing love letters to patients, or making sexually explicit comments to patients. Be aware of the "slippery slope." The physician may initially just meet the patient for coffee, but this can often lead to more or be perceived differently by the patient. In Idaho, at least one physician used illicit drugs with a patient, and then went to work impaired (medical practice act violation and illegal!). A different doctor wrote narcotic prescriptions for a patient in exchange for methamphetamine. We have seen a physician use his elderly patients for lucrative real estate transactions. A male physician invited young female patients to his home to swim. A pediatrician dated a patient's mother. A "benevolent" physician performed a procedure out of his scope of practice to help an employee save money. The outcome in that situation was less than stellar, and regretful to both the patient and doctor.

Remember, there is an inherent power differential between doctor and patient. What may seem innocent to you can seriously undermine that relationship and can damage the patient. *Primum non nocere*, first do no harm.

Happy Holidays.

Board welcomes new members:

Kip Dribnak ATC, to the Athletic Trainers Licensure Board

Samantha Ramsay, RD, LD to the Dietetic Licensure Board

And bids farewell and expresses its appreciation to....

Tonya Chesnut, RD, LD, for her service to the Dietetic Licensure Board

Caroline Faure, ATC, for her service to the Athletic trainers Licensure Board

HAPPY HOLIDAYS

From the members of the boards, committees and staff of the Idaho Board of Medicine, we extend our best wishes for a happy holiday season.

Athletic Trainers Board

Anthony Fitzpatrick, AT, Chair

Kip Dribnak, AT

Barrie Steele, AT

Candice Kruger, PhD

Physician Assistant Committee

Susan Almeida, PA, Chair

Paula Phelps, PA

Amy Waselchuk, PA

Dietitian Board

Tanya Chesnut, LD, Chair

Veena Sohal LD

Patti Copple, Public Member

Corliss Trom, LD

Respiratory Therapy Board

Janet Wright, Public Member, Chair

Richard White, RT

Carrie Massey, RT

Paul Durham, Public Member

Rita Jo Devlin, RT RPSGT

BOARD ACTIONS**PLEASE NOTE**

Some physicians have similar names, please verify information by license number on our web site at:
www.bom.state.id.us

Carl R. Bergstrom, MD

M-7248 California

Board Action: License revoked, reciprocal discipline

Krzysztof H. Ziola, MD

M-10666 Boise, ID

Allegation: Non-compliance with Patient Freedom of Information Law

Board Action: Fine

Explanation of terms:

- Stipulation: an agreement, admission, or concession.
- Stipulation and Order: an agreement between the Board and the practitioner regarding authorization to practice or placing terms or conditions on the authorization to practice.
- Suspension: temporary withdrawal of authorization to practice.
- Reprimand: a formal admonishment of conduct or practice.
- Revocation: cancellation of the authorization to practice.

Brian C. Kerr, MD

M-6031 Eagle, ID

Allegation: Failure to register as a supervising physician

Board Action: Letter of Reprimand

Chuck B. Fuller, PA

PA-499 Twin Falls, ID

Board Action: Termination of Stipulation and Order

Warren F. Dopson, MD

M-8903 Twin Falls, ID

Board Action: Termination of Stipulation and Order

YEAR TO DATE TOTALS

Complaints-322

Investigations-200

Letters of Concern-65

Stipulation and Order-17

License Surrendered/Suspension-2

Fine-3

Totals are for all professions licensed by the Board

Physician Recovery Network

The PRN is a program to facilitate prevention, identification, intervention, and rehabilitation for Idaho physicians or physician assistants who have, or are at risk for developing disorders, which are associated with functional impairment, or suffering from chemical abuse or dependency, mental health issues, or behavioral problems. The PRN works in a manner consistent with the laws and medical practice acts of the State of Idaho to provide a safe environment in a medical setting and in conjunction with the Idaho Medical Association.

The purpose of the program is to assist professionals and their families in identifying alcohol, drug, or behavioral problems that pose a potential threat to that professional, the family, or the patients/clients. The PRN will work to identify and facilitate acute treatment and to provide long-term support for the professional to return to a productive place within his/her profession. While the program provides no direct counseling, treatment, or aftercare services, it does support and endorse the development of self-help groups at the local level.

The PRN is a resource for professionals, their families, colleagues, and other affiliates. Disciplinary action does little to intervene in the disease process and may frequently be counterproductive to identification and professional reintegration. Treatment has proven to be effective for both the individual and society. By providing professionals an opportunity to enter into treatment and to recover from their diseases early in the disease process, the PRN can serve to minimize negative impacts on the professionals, patients/clients and their families and friends.

(reprinted with permission from <http://www.southworthassociates.net/physician-recovery-network.html>)

On Line Supervising and Directing Physician Registration Renewal in Progress

Renewals for supervising and directing physicians is under way. Visit our website at <http://www.bom.state.id.us> for the link to the on-line renewal. You will see a list of the individuals you are currently registered to supervise. Changes and updates may be made to the list at the time of renewal.

Registrations must be renewed before December 31, 2009.

Calendar of Board of Medicine Meetings for 2010

March 5, 2010
June 4, 2010
September 10, 2010
December 3, 2010

DEPLOYED?

IF YOU ARE DEPLOYED PLEASE PROVIDE A COPY OF YOUR MILITARY ORDERS FOR DEPLOYMENT AND A COPY OF THE ORDERS RETURNING TO THE U.S. OR RELIEVING YOU FROM ACTIVE DUTY WHEN YOU RETURN. UPON RECEIPT OF THE ORDERS THE BOARD WILL MAINTAIN YOUR LICENSE IN ACTIVE, CURRENT STATUS WHILE DEPLOYED AND WAIVE ALL LICENSE FEES FOR UP TO 6 MONTHS AFTER YOUR RETURN.

IDAHO STATE BOARD OF MEDICINE

David McClusky, II, MD, Chairman

Trudy Jackson, Public Member

Leo Harf, MD, Member

Laura McGeorge, MD, Member

Joyce McRoberts, Public Member

Jerry Russell, Director, Idaho State Police

Ralph Sutherlin, DO, Member

William Cone, MD, Member

William Ganz, MD, Member

Barry Bennett, MD, Member

COMMITTEE ON PROFESSIONAL DISCIPLINE

Mike Johnson, Public Member, Chairman

A.C. Jones, III, MD, Member

Julia Bouchard, MD, Member

Stephen Marano, MD, Member

Wendell Wells, MD, Member

Allied Health Board Meetings

Meetings are held in the Board office unless otherwise noted.

The **Board of Athletic Trainers** meeting is scheduled for **April 12, 2010 at 9:30 a.m.**

The **Dietetic Licensure Board** meeting is scheduled for **March 9, 2010 at 9:30 a.m.**

The **Respiratory Therapy Licensure Board** meeting is scheduled for **February 25, 2010 at 9:30 a.m.**

The **Physician Assistant Advisory Committee** meeting is scheduled for **February 19, 2010 at 12:30 p.m.**

Please note if you are submitting a response to a Board inquiry or a completed application, the completed material must be received in the Board office at least 20 days before the scheduled meeting date. Materials not received in that time frame will be added to the next regularly scheduled meeting agenda.

BOARD STAFF

Nancy Kerr, Executive Director

Mary Leonard, Associate Director

Cathleen Morgan, Board Attorney

Beverly Kendrick, Quality Assurance Specialist

Cynthia Michalik, Quality Assurance Specialist

Janet Whelan, Quality Assurance Specialist

Gloria Pedersen, Prelitigation Manager

Darlene Parrott, Compliance Monitor

Terri Solt, Physician Licensing Manager

Jodi Adcock, Allied Health Licensing Manager

Mary McCulley, Finance

Jennifer Winn, PA Licensing-Prelitigation

Stephen Tyrer, Investigative Assistant

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VISIT OUR WEB SITE AT
www.bom.state.id.us

FAIR AND IMPARTIAL APPLICATION AND
ENFORCEMENT OF THE PRACTICE ACTS

CHANGE OF ADDRESS EACH YEAR OF NUMBER OF LICENSE RENEWAL APPLICATIONS GO ASTRAY BECAUSE THE ADDRESS ON FILE WITH THE BOARD IS INCORRECT. AS A RESULT, LICENSES PEOPLE WISH TO MAINTAIN ARE CANCELLED AND HAVE TO BE REINSTATED. PLEASE COMPLETE AND RETURN THIS FORM IF YOUR ADDRESS CHANGES.

ID License No. _____

Name _____
(LAST) (FIRST) (MIDDLE INITIAL)Former Address: _____
(STREET)

(CITY) (STATE) (ZIP)

New Address: _____
(STREET)

(CITY) (STATE) (ZIP)

Phone (_____) _____ Date change becomes effective: _____